

12-21-01

427.035

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:
KATY DRIEU
Serial No.: 555,906
Filed: June 2, 2000
For: USE OF...A MEDICAMENT

: K. Srivastava

: Group: 165

600 Third Avenue
New York N.Y. 10016
December 14, 2001

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the office action of July 17, 2001, Applicant requests reconsideration of the application in view of the remarks presented herein.

The claims in the application are claims 2 to 8 and all other claims having been cancelled.

The Examiner has maintained the rejection under 35 USC 103 of all the claims as being obvious over the Hsia et al patent and Kleijnen et al reference taken in view of Remington's Pharmaceutical Sciences and the Park et al patent for reasons of record. The Examiner states that claim 11 recited easing any withdrawal symptoms and that the Remington reference clearly discloses that the withdrawal symptoms in an individual recovering from substance abuse are the same ones that are treated with the ginkgo biloba extract of the primary references. Therefore, one skilled in the art would be motivated to modify the teachings of

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the Hsia et al patent taken in view of the secondary references with the reasonable expectation to obtain what has been claimed in the present invention.

Applicant respectfully traverses these grounds of rejection since one skilled in the art would not combine the references as the Examiner has done with the benefit of Applicant's disclosure. As noted previously, the Hsia et al patent relates to "nutritional supplements to the human diet to increase levels of high density lipoprotein and calcium ions and decreased levels of free radicals in glucose in human blood plasma". This is accomplished with a supposedly novel combination of specific anti-oxidants, barley grass, extract, simple multiple vitamins and minerals and ginkgo biloba extract. The Kleijnen et al reference shows pharmaceutical extracts from ginkgo leaves to treat cerebral insufficiency that includes the absent mindedness and anxiety, depression and the like. Therefore, it has been conceded by the Examiner that the two primary references in no way relate to treatment of patients to aid their relief from the symptoms of substance abuse.

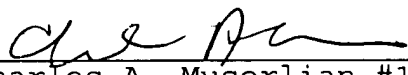
The Examiner's statement that the Remington reference clearly discloses that the withdrawal symptoms in the individual recovering from substance abuse are the same as those treated with ginkgo biloba extract for nutritional purposes is incorrect. One skilled in the art would not have tried to treat withdrawal symptoms of substance abuse with ginkgo biloba extract since there is no

suggestion thereof in the Remington reference or in the primary references. There is no reasonable expectation of success and even though the certain symptoms of withdrawal could be found in common with other diseases, there is actually no reliable medicine for easing withdrawal from alcohol or drug dependency while there are other drugs treating such symptoms.

One skilled in the art would not have guessed that in an obvious manner, that a drug used for decades and even centuries for completely different purposes, namely, memory improvement or venous insufficiency would be useful for easing withdrawal of addiction symptoms. It should be noted from the Remington reference that the conditions treated are not conditions created by narcotics and alcohol abuse and are not the same as those induced by a platelet activating factor (PAF) including a reduction in blood pressure, immediate allergic reaction, contraction, to smooth muscles and the like. There is no suggestion whatsoever of the conditions being treated by the Remington reference such as moderate to intense psychopharmacological effects listed on the marijuana heading and psychic excitation, euphoria or "high" caused by amphetamines or intense physiological dependence as indicated by cocaine. These are in no way related to the nutritional supplements taught by Hsia et al or are not in any way related to the conditions treated by the Park et al patent. Therefore, the combination is improper and withdrawal of these grounds of rejection is requested.

In view of the above remarks, it is believed that the claims clearly point Applicant's patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
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CAM:ds
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